

we knew Michael Moore. We knew the kinds of things Michael Moore was famous for doing, and overstating a position is Michael Moore's stock in trade.

So the folks at Citizens United decided they were going to follow the Michael Moore precedent and make a movie. I haven't seen either movie, so I don't know whether Citizens United's movie about Hillary Clinton went as far over the top as Michael Moore's movie about George W. Bush, and I don't care because Michael Moore, regardless of what distortions may have been in his movie, had every right under the Constitution of the United States to make that movie, to make the political speech, and to do the very best he could to influence the election.

The movie was a financial success, and the movie was a critical success, and the movie did not win the election. The movie did not defeat George W. Bush. The American people had other things to do besides watch Michael Moore's movie. He exercised his first amendment right to freedom of speech. He got the opportunity to say what he wanted to say, he spent a lot of money doing it, and the movie was widely seen. The democracy did not come to an end as a result of the making of the movie. Now we are told that Citizens United made a movie and somehow that is going to have a vastly different effect.

I don't believe Senator Clinton's loss to Barack Obama in the primaries had much to do with the movie that Citizens United made. They spent a lot of money, but I don't think it was an avalanche of spending by a corporation that destroyed American democracy because Hillary Clinton did not win the nomination. I think it had a great deal more to do with Barack Obama's ability to run a decent campaign rather than Hillary Clinton's suffering at the hands of Citizens United making this movie.

Well, because Citizens United was not one individual in the form of Michael Moore, but because it was a group of individuals who got together and took the opportunity to create a corporate form of identity for the making of their movie, that got them in trouble. An individual could do it, but a group of individuals who organized themselves into a corporation couldn't do it. That went to the Supreme Court, and the Supreme Court said yes; they could. I don't find that to be a great destruction of the first amendment. I find that to be the proper statement on the part of the Supreme Court to say: Let's have vigorous political speech in this country, and if a group of people want to do that vigorous speech in the form of a corporation, let them go at it. Let them have at it. The Supreme Court was right, in my opinion.

I hear those people who attack Citizens United say: Yes, the first amendment protects the right of free speech, but it does so for individuals. Corporations are not individuals, neither are unions. Yet the DISCLOSE Act treats

unions differently than it treats corporations. The DISCLOSE Act goes after corporations and their right of free speech and does its very best to see to it that the restrictions they put on corporations do not apply to unions.

The DISCLOSE Act listens to the outcry of some corporations such as the National Rifle Association and says: Well, we won't make it apply to you and, thus, demonstrates that it is responding to political pressure from people who say we will punish you at the polls if you take away our right of free speech. So the act is written in such a way that some corporations get treated differently than other corporations. Of course, unions get treated different from all corporations.

Is this the way we want to deal with the first amendment right of free speech where everybody ought to have exactly the same rights? I am told: Oh, no. This bill doesn't prohibit any free speech. All this does is disclose. That is why it is called the DISCLOSE Act. You Republicans are in favor of transparency. You want to disclose things. Why don't you support the DISCLOSE Act?

Well, if it is a bill aimed at disclosure, why does the word "prohibit" and the companion word "prohibition" appear all through the bill? I have a copy of the bill right here.

On page 4, section 3, listed on page 4, it begins, "Prohibiting independent expenditures and electioneering communications . . ."

On page 5, section 3: "Prohibiting independent expenditures" and so on.

Section 6: "Prohibiting independent expenditures . . ."

Then, on page 6, in section 7: "In these ways, prohibiting independent expenditures . . ."

We go to the first title of the bill, and it is titled "Regulation of Certain Political Spending." Section 101: "Prohibiting independent expenditures and electioneering communications . . ."

This is not the DISCLOSE Act. This is an act aimed at prohibiting expenditures by certain people and certain groups. Who are they? Well, government contractors. I have been in business. I have solicited government business. If I got the government business, was I told in advance: If you get this business, you are giving up your first amendment rights when it comes to political speech? If you can stay away from contracting with the government, you can hang on to your first amendment rights. But as soon as you become a government contractor your rights are gone.

It prohibits free speech from those who received TARP money. There is an interesting precedent to set. I know some of the folks who received TARP money who didn't want it. They were told in that circumstance: You will accept TARP money. The TARP money, as it was distributed in that program, was forced upon certain corporations. Were they told at the time, or should they be told under the DISCLOSE

Act—let's have full disclosure and transparency—when you accept this money, you cannot exercise your freedom of speech rights as a result of accepting this money?

General Motors received TARP money, so General Motors says you cannot run an ad expressing your opinion on any matter of public affairs; however, the United Auto Workers can. The United Auto Workers received the benefit of TARP money. The United Auto Workers received stock in General Motors. They are the shareholders of General Motors, to a large extent.

So do we say, well, under the DISCLOSE Act the unions can express their first amendment rights all they want, but General Motors, as a corporation, cannot, even though the TARP money was what allowed the union members to keep their jobs.

It has been pointed out here that the groups opposed to this are wide and diverse—from the Sierra Club to the ACLU. I turn to the letter the ACLU wrote with respect to this, and they are not dealing with hyperbole. They are dealing with experience in reality. Let me go to the first key issue the ACLU talks about and give an example from real life. They say:

The DISCLOSE Act fails to preserve the anonymity of small donors, thereby especially chilling the expression rights of those who support controversial causes.

Then the first sentence in that section of their letter says:

By compelling politically active organizations to disclose the names of donors giving as little as \$600, S. 3628 both violates individual privacy and chills free speech on important issues.

I take my colleagues back to one of the most controversial issues we have seen in this country for a long time, which was proposition 8 in California in the last election.

I am acquainted with an individual who made a contribution in favor of those who were trying to support proposition 8. That is all she did. She wrote out a check. Someone came to her and said: We are in favor of the proposition and we are trying to raise some money; will you help us?

She wrote out a check of less than \$1,000 and went about her business. Her business was a restaurant in Hollywood—a restaurant that was routinely and significantly supported by people in the entertainment industry—actors, directors, and others connected with making movies. When the contribution list for propositions was made public, and it became known that this woman had made a contribution in favor of proposition 8, patronage at her restaurant dropped off more than half. People opposed to proposition 8 started using hate speech toward this woman: You are a bigot, and we cannot patronize your restaurant.

She had no idea that when she wrote that check in support of those who wanted a position that she agreed with—to put it on the ballot to be voted on by Californians—and it was by